

Town of Milan Comprehensive Plan**8. Commercial Development**Chapter Highlights

Milan citizens embrace commercial activities that support the needs of the Town and its citizens. The Town's topography, established transportation patterns and the environmental sensitivity of areas along the main transportation corridor make Milan less conducive to commercial enterprises than most communities. Milan's citizens are not willing to sacrifice the rural residential character and environmental resources of the Town to embrace sizable commercial operations. They strongly wish to avoid strip development along our primary artery, Route 199. The existence of a floating light industrial zone, with the potential for industrial uses in family neighborhoods, is rejected by Milan's citizens. The CPB recommends removal of this zone in the Town's code and the elimination of any industrial uses not consistent with the rural residential character of the Town. Critical recommendations regarding commercial activities in Milan include support for home businesses, retention of existing highway business zoning along Route 199, and encouragement of small, mixed-use development in the hamlet district areas.



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Commercial Development

A. Introduction

The Town of Milan has limited commerce, with commercial uses concentrated on Route 199 and home-based businesses scattered throughout the Town.

This portion of the Comprehensive Plan reviews commercial uses and locations in order to provide guidance for future commercial development in Milan. Surveys and workshops have guided the Committee on Commercial and Economic Development to review the commerce desired by residents and examine the types and scale of businesses appropriate to our infrastructure, tax posture, and essential small town character.

B. Existing Conditions and Trends

Milan has always been a rural community. Residences dot a wooded countryside interspersed with scenic open fields from farmlands. In the past a number of small hamlets served as centers for limited business and services rather than one major population concentration or a single identifiable town center. Today, Rock City and Lafayetteville remain recognized mixed-use hamlets with some limited commerce.

Milan is predominantly a residential community; less than one percent is zoned commercial. It has a dispersed population, which depends upon the automobile for employment and services. The people in Milan do not look to the Town to provide economic opportunities and services. While Milan has a very low unemployment rate, only a small percentage actually works in Town. This reflects the growing trend of people being willing to commute longer distances for the enjoyment of living in a rural setting. The 2000 Census showed that 1.9% of our labor force was unemployed, 11.6% worked in Town, 85.8% commuted by car or truck, 3.1% by public transportation, 5.8% by walking, and the remaining 5.3% worked at home. Towns to the east (Pine Plains) and to the west (Red Hook and Rhinebeck) provide services, commerce, and schools. Major shopping centers exist further to our west (Kingston) and south (Poughkeepsie).

Because of our rugged, hilly terrain, our road system consists mainly of winding country roads, with two exceptions: Route 199, the east–west state road that bisects Milan, and the north–south Taconic State Parkway. Route 199 carries regional traffic east to Pine Plains and west to Red Hook, Rhinebeck and Kingston (the road has historically been the main east–west road in northern Dutchess County). Travelers exit the Taconic Parkway at Route 199 and pass through Milan on their way to Rhinebeck and points west. Consequently, the majority of “brick and mortar” enterprises that exist in Milan are concentrated on that corridor.

Presently, the commercial health of some stores and shops along Route 199 is not good. In recent years many have changed ownership or gone out of business. Some existing commercial uses disregard current zoning ordinances and contribute to the general visual chaos that uncontrolled growth engenders. The road is one of the most prominent open spaces in the Town and is, for most travelers, their only contact with Milan. Scenic views, a major wetland and pristine undeveloped open spaces lie alongside negligent parcels. The Town has initiated a process to bring offending businesses into compliance with our regulations, which should be completed. Much of the existing commercial business on Route 199 pre-existed the enactment of the zoning ordinance. Significant areas sit astride a wetland and aquifer that feeds the Sawkill River. Inappropriate growth along the length of Route 199 could lead to the endangerment of water resources, the loss of scenic views, and the spread of unwanted strip development.

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Milan maintains a healthy tax status compared to other towns in Dutchess County, according to the Marist study cited in Chapter 2. The revenues that support our rural infrastructure and services do not come directly from a significant commercial tax base. This sound fiscal condition is partly due to other revenue streams, but more significantly is due to the concurrence of healthy real estate values, a low population density, and a rural economy that does not make sizable demands on the Town's infrastructure and services. In this community, tax revenues from commercial properties are not the most important benefit to the Town. Commercial operations and employment opportunities that are in harmony with Milan's natural resources and rural character are preferred. These operations help to maintain property values without increasing our expenses and so contribute more to our economic well-being than large or sprawling commercial or industrial enterprises.

C. Goals and Visions

Goals and visions for commercial development derived from public input include the following:

- Prevent commercial strip development on Route 199.
- Restrict commercial development to designated areas.
- Discourage large retail and industrial businesses.
- Encourage home-based businesses.

1. Retail and service business. Consistent with present zoning, citizens welcome small-scale, locally owned, service-oriented enterprises in designated areas that serve the needs of Milan's population, travelers, and tourists. They oppose fast-food formula businesses and large shopping outlets or other establishments that invite high automobile or truck traffic. Both big-box and chain stores are inappropriate in the eyes of Milan residents. According to the National Trust for Historic Places (NTHP), a typical locally owned business returns about 60% of its profit to the community where it exists. Entrepreneurs own homes in the community, pay local taxes, hire local workers, and work with other local businesses. On the other hand, a typical chain store returns only about 20% of its profits to the community. An analysis for "big box" superstores shows that 92–95% of their profits leave the community. Distant shareholders and remote corporate franchises siphon off the profits. Financial, advertising, maintenance, and general services are farmed out. At the same time, the local community is expected to subsidize such stores by extending town services and facilities to them.

2. Light Industry. Industrial uses should be of a type and scale appropriate to our Town. Appropriate uses would be custom-made furniture, pottery, and clothing, artisan-style bakeries, nurseries, etc. This is not currently supported by our zoning ordinances, which defines light industry more broadly to allow larger-scale operations with a wider impact on neighbors and community character. An excellent demonstration of public sentiment was the recent overwhelming opposition that was engendered in 2002 when the Town Board considered a request to change the zoning of a large parcel of land in order to introduce a gravel mine to a residential area of town away from our major highways. Residents with children living in the areas along the proposed truck routes and a school bus driver expressed deep concerns for the children's safety from large gravel trucks using narrow roads not appropriate for industrial traffic (the proposed mine is in an area where a smaller mine already exists). Noise, dust, and vibrations from the mine and heavy truck traffic would greatly degrade the quality of life for those living in the vicinity of the mine or along the truck routes. People throughout town became involved as the issue grew, with the realization that because our present statutes allow a Floating Light Industrial Zone, such an operation could crop up in any residential neighborhood. At numerous Town Board meetings a majority of citizens objected to the proposed mine location and the Floating Light Industrial Zone. Petitions, many letters to the Town Board and to local newspapers followed, and the mining question became a major issue in the 2004 local elections. The citizens have made it abundantly clear that they do not want a Floating Light Industrial Zone, which has the potential of locating industrial uses in residential areas.

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This floating zone makes property owners near open land uneasy and residents want the assurance that residential areas are safe from industrial neighbors. Subsequent surveys and workshops reinforced the views that Milan's light industrial operations must be separate from residential neighborhoods and that such uses be of a size and nature that do not strain our infrastructure, present a danger to our citizens, emit noxious fumes, create excessive noise or traffic, compromise our environment, or are otherwise incompatible with our rural and residential way of life. The CPB's recommendations for changes to uses are included in appendix C for the Town Board's consideration.

One of those recommended use changes is the elimination of additional mining in Milan. The 1986 Master Plan encouraged the establishment of a floating light industrial zone to allow gravel mines. This was at a time when such mines were owned by and served the local community. Current commercial gravel mining operations are on a large, regional scale and only incidentally serve the local community. The noise, dust, and disruption to the residents' quiet enjoyment of their property, and the potential loss of property values, make such operations unprofitable to the local community.

On April 26, 2005 consultants representing Red Wing Sand and Gravel made a presentation to the CPB at its scheduled meeting, indicating the location of gravel deposits in Milan and requesting that this land be zoned to allow gravel mining. (See meeting minutes in the appendix.) Approximately 35 Milan residents attended the presentation. Sixteen residents made comments recommending that additional gravel mining not be allowed in Milan. No one spoke in favor of allowing gravel mining.

3. Agriculture. Approximately 82% of the land in Milan is devoted to agriculture, forest, recreation, or other public open space uses. Agricultural zoning, which provides an area where residential uses and agriculture can coexist, must be preserved: once changed it would never be restored. To protect our rural atmosphere and heritage, an overwhelming percentage of respondents in our surveys favored the promotion of agricultural uses in our town. Likewise, the mission statement of The Northern Dutchess Alliance (a consortium of northern Dutchess municipalities, business groups and community groups) reads "Local land use planning should include mechanisms for protection of agricultural lands and preservation of open space, and promote compact development." Our remaining dairy and crop farms, our orchards, greenhouses, and nurseries, our tree, sheep and horse farms, are all integral to Milan's rural character.

4. Home Business. Working at home can save commuting and child care costs, and give those who might be unable to work outside of the home (such as single parents, the elderly and the disabled) an opportunity to earn a living or supplement an income. Home businesses keep Milan affordable for some of its long-time residents, according to an informal review conducted by the committee. Telecommuting is a growing trend and Milan is the perfect setting, although there is a need for more high speed internet alternatives. In keeping with its rural residential nature, home businesses in Milan should be governed by well-crafted zoning regulations so that they have minimal impact on their neighborhoods.

5. Commercial Development along Route 199. Commercial development on this road preceded zoning controls in Milan and is located in various areas along its length. Current zoning allows some commercial use in the hamlets of Rock City and Lafayetteville and in the Highway Business (HB) zones located midway between the hamlets and at the intersection of 199 and the Taconic. Other commercial uses that preceded zoning are grandfathered into the residential and agricultural zones.

The Greenway Compact contains guidelines for development and preservation of open space, and under the heading of "Countryside," they recommend maintaining the open rural character of the landscape and preventing strip development from lining the roadways. Surveys and workshops identified the prevention of strip development along this corridor as one of the major issues the Comprehensive Plan was asked to address.

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By confining the HB zone to its present limits, as shown in the Rte. 199 commercial zones map, it is possible to halt strip development and protect critical environmental areas and viewsheds. At the same time, by intelligently directing future commercial growth to small mixed use areas where traditional walking neighborhoods may develop, and by establishing commercial design standards, we are preparing conditions that welcome and foster locally owned businesses appropriate for our town.

6. Hamlet Areas and Planned Purpose Developments (PPDs). In our surveys and public meetings, citizens expressed a strong desire to confine commercial development to designated areas. The consensus from our planning process is that the people of Milan want to retain the rural residential character of Milan, with limited small-scale commercial activities distinctly separate from the forested slopes, open fields, unobstructed vistas, dark skies at night, and the quiet of their community.

In addition to the strongly felt quality-of-life issues, in purely practical terms, rural localities such as ours are disproportionately affected by the high cost of sprawl. Except for one small community water system on the Carvel property, Milan citizens depend on individual wells and septic systems. There is limited commercial traffic on our secondary roads. We do not have sidewalks or streetlights. Commercial growth that is confined to specific areas will enable Milan to retain its rural character and at the same time avoid future infrastructure costs to the taxpayer (lights, roads, etc.).

Commercial development is naturally attracted to higher trafficked intersections, higher density zoning and proximity to other larger developments (whether in our town or nearby). The idea of creating a town center was recommended by the 1986 Master Plan and reviewed again in 2000. The 1986 Master Plan recommended that the center be located in Lafayetteville, traditionally a center of commerce for the Town. The idea of a town center was studied by a different Comprehensive Plan Committee in 2000. Lafayetteville was cited then as a viable location for such a center and further study was recommended (see appendix). Involvement of the hamlet community and other town citizens in study of options and planning for growth in both Lafayetteville and Rock City remain an important element of the Town's comprehensive plan. Future options for the hamlets will be enhanced by the adoption of Planned Purpose Developments (PPDs) described in Chapter 3, Course Changes for Milan, and Chapter 7, Residential Development. PPDs, when implemented can provide a community with benefits such as a walkable mixed-use community of residential and commercial uses, senior housing, infrastructure improvements, parks, trails, open spaces, active and passive recreational opportunities and other physical, social and cultural amenities.

Lafayetteville offers the potential of a viable center for Milan. There are large public and private contiguous parcels nearby which are relatively free of development, situated on or near to natural crossroads (Route 199, North Road, South Road, and the Taconic) and in proximity to the Carvel project. The hamlets are already zoned for mixed use. Lafayetteville has the largest concentration of people in Milan as well as the highest density zoning. It is also in need of revitalization, particularly in the bankrupt and never completed planned community area which predates the construction of the Taconic Parkway. It could benefit from the incentive zoning inherent in the PPD concepts.

Likewise, Rock City is situated at the confluence of three towns (Milan, Rhinebeck and Red Hook) on two major roads (Route 199 and Route 308). Milan should work with the other municipalities to guide potential development in and around the Rock City hamlet.

Creating another high-density area and spreading commercial uses to other locations in Town is neither recommended nor desired.

7. Design Guidelines. In order to maintain our rural character, enhance our natural environment and keep Milan unique, design guidelines are necessary for new and renovated commercial properties. We

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must continue to enforce existing ordinances and to explore new ones. In 2004, Milan joined the Greenway Compact. At a minimum, the Town should use the Greenway design guidelines for commercial development when reviewing and approving projects. We already have specific requirements for signage in our zoning code; these should be reviewed to insure that commercial signs are harmonious with Milan's rural setting. Additional guidelines in our code should be developed to provide standards and regulations to insure that commercial properties conform to our rural character.

D. Recommendations

1. Review and amend commercial uses in Table A Schedule of Use Regulations with regard to community preference surveys, traffic volume and safety, and environmental sensitivity. (The appendix contains a suggested use table prepared by the committee for guidance in amending the zoning code.)
2. Review and amend commercial uses in Table A Schedule of Use Regulations with particular consideration for the appropriateness of light industrial uses, which no longer "float" but must co-exist harmoniously in commercial or mixed-use areas.
3. Review and amend area, yard, coverage, and bulk requirements, as well as performance standards for manufacturing and light industrial uses with regard to community preference surveys, traffic volume and safety, and environmental sensitivity.
4. Define home businesses and draft zoning laws that focus on controlling any negative impacts these occupations might have on their neighborhoods.
5. Limit the Highway Business Zone on Route 199, which sits astride the wetlands and aquifer at Milan Hill Road, to existing zoned lots. Do not allow additional lots in this area or commercial usage through use variances. Future commercial development and improvements on these lots should be required to maintain appropriate buffers to protect the wetlands and aquifer.
6. Encourage mixed-use residential and commercial development in the hamlets that will support walkable neighborhoods.
7. Engage the residents of Rock City and Lafayetteville in continuing discussions on the long-term planning and development of the hamlets.
8. Protect the value of residential properties abutting commercial uses by adding requirements to the performance standards of Highway Business Districts and Hamlet Zones that minimize the impact businesses have on homes nearby. Standards should address limiting and concealing exposed on-site storage and lighting that does not extend into residential areas. Allowable noise levels and hours of operation of businesses should be addressed to mitigate their effect on abutting residential properties.
9. Eliminate the Floating Light Industrial Zone and eliminate Light Industry (LI) as a separate category. However, the LI area, yard, coverage, bulk requirements, and performance standards that are appropriate to the designated commercial areas should be retained and applied to all commercial enterprises. Those standards that are not appropriate to the designated commercial zones should be amended.
10. Establish a Planned Purpose Development zoning classification to enable the Town to respond to opportunities for mixed-use walking neighborhood development.

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11. Review current design guidelines and revise as required to insure that the design addresses Milan's unique character. Use the Greenway Compact guidelines as a basis for all commercial development and improvements. The following elements should be reviewed and addressed:
 - a) Building area
 - b) Landscaping
 - c) Signage
 - d) Roof pitch
 - e) Materials for façade
 - f) Lighting
 - g) Style of buildings (i.e., contextual architecture in keeping with the historical character of the area)
 - h) Guide for plantings
 - i) Parking areas, size and location
 - j) Outside storage
 - k) Buffers between commercial and residential zones
 - l) Enforcement

(Recommended design guides that the CPB finds appropriate for Milan are in the appendices.)

12. Prevent strip development by designating Route 199 a Scenic Roadway in our Zoning Code and naming it to provide local identity, pride, and perhaps to honor one of the Town's notable families or events. The open spaces between Lafayetteville and the Highway Business district should be identified as scenic areas. This would allow the Town Board to designate them as Critical Environmental Areas (CEAs) under SEQRA 617.4(h). These procedures will help guide development as well as gain leverage with the State Department of Transportation.
13. Ask Red Hook and Pine Plains to join in the development of a Corridor Management Plan for Route 199 as the first step in applying for status as a "New York State Scenic Byway."

E. Implementation Strategies

After the adoption of this Comprehensive Plan, a committee of citizens from Milan should study and recommend specific changes in the zoning to develop the recommendations set forth in this chapter. Guidance from the Planning and Zoning Boards and town planner will be both needed and sought.

The residents of Lafayetteville and Rock City should be engaged in additional long-term planning for development of their neighborhoods.

Two intermunicipal committees should be formed: one among Pine Plains, Red Hook, and Milan to establish a Corridor Management Plan for Route 199 and the other among Rhinebeck, Red Hook, and Milan to explore possibilities for development in the area of Rock City.